

PATENT  
Serial No. 10/506,403  
Amendment in Reply to Office Action mailed on June 16, 2006

REMARKS

This Amendment is being filed in response to the Office Action mailed June 16, 2006, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the following remarks and arguments are respectfully requested.

By means of the present amendment, claims 1-13 have been amended for better clarity and conformance to U.S. practice, such as beginning the dependent claims with 'The' instead of 'A' and changing "characterized in that" to --wherein--. Claims 1-13 were not amended in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Office Action, claims 1, 4-10 and 12-13 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,321,095 (Gavette) in view of U.S. Patent No. 6,571,103 (Novakov). Further, claims 2-3 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Gavette in view of Novakov and U.S. Patent Application Publication No. 2004/0029613 (Kitazumi). Claim 11 is rejected under 35 U.S.C. §103(a) as

PATENT  
Serial No. 10/506,403  
Amendment in Reply to Office Action mailed on June 16, 2006

allegedly unpatentable over Gavette in view of Novakov and U.S. Patent No. 6,370,394 (Anttila). It is respectfully submitted that claims 1-20 are patentable over Gavette, Novakov, Kitazumi and Anttila for at least the following reasons.

Gavette is directed to communication between two mobile stations via a direct RF link, without using a base station, by selecting and assigning slots of a circuit in an RF band. As correctly noted by the Examiner, Gavette does not teach or suggest transmitting any telephone numbers. Novakov is cited in an attempt<sup>127</sup> to remedy this deficiency in Gavette.

Novakov is directed to establishing a communication link between a local station 10 and a mobile station 26. As clearly shown in FIG 1, and recited on column 3, line 67 to column 4, line 3, the local station 10 is not a mobile station. Rather, the local station 10 is a wired connection connected to a wireline 14 through an access point 12. Column 4, lines 11-13 further confirm that the local station 10 is wired, where it is specifically recited that:

[a] standard, wireline telephone apparatus or another device (for example, a modem) may be plugged into the socket 22 [of the local station 10]. (Emphasis added)

PATENT  
Serial No. 10/506,403  
Amendment in Reply to Office Action mailed on June 16, 2006

It is respectfully submitted that combining Gavette with Novakov is improper. There is simply no teaching, suggestion, or motivation for such a combination. Gavette is related to communication between mobile stations via a direct RF link and thus has no need for any telephone numbers. The telephone numbers serve no purpose in the Gavette communication system. Without using impermissible hindsight, there is simply no motivation or suggestion to combine the Gavette communication system that has no use or need for telephone numbers with Novakov, where the telephone number of a mobile phone is transmitted to a wired station.

Assuming, arguendo, that the combination of Gavette and Novakov is proper, such a combination still does not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 19, amongst other patentable elements requires:

    sending a request signal from a first mobile telephone to a second mobile telephone via a wireless communication interface, and  
    transmitting a telephone number of the second mobile telephone to the first mobile telephone in response to the request signal.

Kitazumi and Anttila are cited in rejecting dependent claims

PATENT  
Serial No. 10/506,403  
Amendment in Reply to Office Action mailed on June 16, 2006

to allegedly show other features and do not remedy the deficiencies in Gavette and Novakov. Accordingly, it is respectfully submitted that independent claims 1 and 19 should be allowable. In additions, claims 2-18 and 20 should be allowable at least based on their dependence from independent claims 1 and 19.

Claims 5-9, 14-18 and 20 also include patentable subject matter.

In particular, claim 6 requires "wherein an optical and/or acoustic and/or vibration signal is emitted at the second mobile telephone after data transmission by the second mobile telephone." (Emphasis added) This feature is nowhere taught or suggest in column 7, lines 30-37 of Novakov, cited on page 3 of the Office Action in rejecting claim 6. Rather, this section of Novakov teaches that the receiving phone emits a ringing tone upon reception of an incoming call. There is no teaching or suggestion in the cited section of Novakov of the transmitting phone emitting a signal after data transmission, as recited in claim 6.

In rejecting regarding claim 7, column 8, lines 49-58 of Novakov are cited on page 4 of the Office Action. It is respectfully submitted that this section of Novakov merely teaches

PATENT  
Serial No. 10/506,403  
Amendment in Reply to Office Action mailed on June 16, 2006

to switch off the entire phone, not just a function thereof. In stark contrast, claim 7 requires "wherein a data transmission function can be switched off by a user at the second mobile telephone to prevent the transmitting act; the second mobile telephone remaining on after the data transmission function is switched off." (Illustrative emphasis provide) These features are nowhere taught or suggested in cited section of Novakov.

In rejecting regarding claim 8, column 4, lines 32-46 of Novakov are cited on page 4 of the Office Action. It is respectfully submitted that this section of Novakov merely teaches that a Bluetooth transceiver 28 may be used to communicate address lists, phone books, SMS message, etc. There is no teaching or suggestion that any such transmission is a function of fulfilling any criterion. In stark contrast, claim 8 requires "wherein the transmitting act takes place as a function of fulfillment of a given or specifiable criterion." (Illustrative emphasis provide) This feature is nowhere taught or suggested in cited section of Novakov.

In rejecting regarding claim 9, column 6, lines 12-22 of Novakov are cited on page 4 of the Office Action. It is

PATENT  
Serial No. 10/506,403

Amendment in Reply to Office Action mailed on June 16, 2006

respectfully submitted that this section of Novakov merely teaches determining properties of the mobile phone by the user or the local wired station 10. There is no teaching or suggestion of using any user-specific profile or filter to fulfill any transmission act. In stark contrast, claim 9 requires "wherein said criterion comprises a user-specific profile and/or filter." (Illustrative emphasis provide) This feature is nowhere taught or suggested in cited section of Novakov.

Similarly, there is no teaching or suggestion in Gavette, Novakov, Kitazumi and Anttila, alone or in combination, of performing the transmitting act if a profile indicates that the first mobile telephone will also transmit its telephone number to the second mobile telephone; or if the first mobile telephone includes a feature specified by the second mobile telephone; or if the user of the second mobile telephone activates a key thereby providing consent, as recited in claims 14-16 and 20.

Further, Gavette, Novakov, Kitazumi, Anttila, and combinations thereof do not teach or suggest the present invention as recited in claims 5 and 17-18, which require transmitting from the first mobile telephone to the second mobile telephone a message in

PATENT  
Serial No. 10/506,403  
Amendment in Reply to Office Action mailed on June 16, 2006

response to reception of, or to confirm successful receipt of, the telephone number of the second mobile telephone, where the message includes the telephone number of the first mobile telephone or user-specific data of the first mobile telephone.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

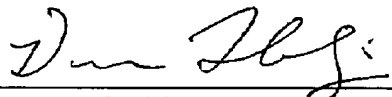
It is believed that no additional fees or charges are currently due beyond the fee for one additional independent claim to be charged to the credit card as noted by the enclosed authorization. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to

PATENT  
Serial No. 10/506,403  
Amendment in Reply to Office Action mailed on June 16, 2006

Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By   
Dicran Halajian, Reg. 39,703  
Attorney for Applicant(s)  
September 18, 2006

THORNE & HALAJIAN, LLP  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101